

REMARKS

With the above amendments, claims 1 and 31-37 have been amended and claims 25-30 and 38 have been canceled.

Thus, claims 1-24, 31-37, and 39 are pending

Claims 1-24 and 39 are in a condition for allowance

Claims 25-30 and 38 stand rejected under 35 USC 112, first paragraph.

Claims 31-37 stand objected to as dependent on a rejected base claim.

Claim Amendments

Applicants have amended claim 1 to remove the text "a)".

Applicants have amended claims 31-37 to include the limitations of the rejected base claim 28.

No new matter has been added.

Claims 25-30 and 38 - 35 USC 112, first paragraph

Claims 25-30 and 38 stand rejected under 35 USC 112, first paragraph, as not being enabled. Contrary to the Examiner's statement, Applicants respectfully submit that the Examiner has not met the burden of presenting a prima facie case of non-enablement. The Examiner has not demonstrated that the specification does not enable a person of ordinary skill in the art to use the invention commensurate with the scope of claims 25-30 and 38.

A prima facie case of undue experimentation requires an analysis and balancing of the factors described in In re Wands. Applicants respectfully submit that the Examiner has not accurately considered one or more of the factors described in the In re Wands, and therefore has not presented a prima facie case of undue experimentation. For example, contrary to the Examiner's statements, the amount of guidance or direction

present in the specification is not limited to the biological assay and results on pages 44 and 45. On pages 1-3 and pages 52-55, the specification provides a considerable amount of guidance with regard to using RAGE antagonists to treat complications of diabetes, cellular dysfunction in amyloidoses, tumor invasion and/or metastasis, erectile dysfunction, and other indications.

While Applicants respectfully disagree with the Examiner's statements that claims 25-30 and 38 are not enabled by the specification, in the interest of expediting the issuance of the allowed claims, Applicants have canceled claims 25-30 and 38 without prejudice to prosecution of the claims in a continuation application.

Claim Objections

Claims 31-37 have been objected to for being dependent on a rejected base claim. Claims 31-37 have been amended to include the limitations of rejected base claim 28. Thus, the objection is moot. Withdrawal of the objection is warranted and respectfully requested.

Conclusion

With the above amendments and remarks, Applicants believe that all objections and/or rejections have been obviated. Thus, each of the claims remaining in the application is in condition for immediate allowance. Passage of the instant invention to allowance is earnestly solicited.

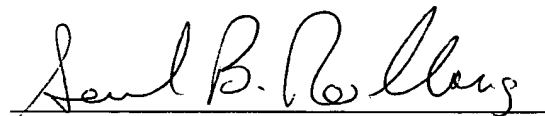
Applicants believe that no fee is necessary, however, should a fee be deemed to be necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 50-3216.

Should the Examiner have any questions relating to the instant application, the Examiner is invited to telephone the undersigned at (336) 841-0300 ext. 159 to discuss any issues.

Respectfully submitted,

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